

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

033131-015

In re Patent Application of: Wray Russ

Application No.: 10/816,746

Filed: April 1, 2004

For: IN-LINE MARKING SYSTEM

The owner*, Microboards Technology, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending other applications, Application Numbers 10/272,325 (now issued as USPN 6,887,313 on May 3, 2005) and 10/820,247 filed on October 15, 2002 and April 5, 2004, respectively, respectively, the term being defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the pending other applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the other applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the other applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Kirk M. Nuzum for
Signature

May 16, 2005
Date

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65.00 OP

Kirk M. Nuzum

Typed or printed name

(650) 622.2300

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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Carol Williams

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